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AN AGENDA FOR PEACE: PREVENTIVE DIPLOMACY, PEACEMAKING AND PEACE-KEEPING

Report of the Secretary-General

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I. INTRODUCTION

1. The present report is submitted pursuant to the statement made by the President of the Security Council on behalf of the Council, at its 3166th plenary meeting, on 28 January 1993 (S/25184) (see annex). The President stated, inter alia:

> "The Security Council ... invites, within the framework of Chapter VIII of the United Nations Charter, regional arrangements and organizations to study, on a priority basis, the following:
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> - ways and means to strengthen their functions to maintain international peace and security within their areas of competence, paying due regard to the characteristics of their respective regions. Taking into account the matters of which the Security Council has been seized and in accordance with the United Nations Charter, they might consider, in particular, preventive diplomacy including fact-finding, confidence-building, good offices and peace-building and, where appropriate, peace-keeping;
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> - ways and means to further improve coordination of their efforts with those of the United Nations. Being aware of the variety of mandate, scope and composition of the regional arrangements and organizations, the Council stresses that the forms of interaction of these arrangements and organizations with the United Nations should be flexible and adequate to each specific situation. These may include, in particular, exchange of information and consultations, with a view to enhancing the United Nations capability including monitoring and early-warning, with the Secretary-General or, where appropriate, his Special Representative, participating as observers in the sessions and the work of the General Assembly, secondment of officials to the United Nations Secretariat, making timely and specific requests for United Nations involvement, and a readiness to provide necessary resources.
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> "The Security Council requests the Secretary-General:
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> - to transmit this statement to those regional arrangements and organizations which have received a standing invitation to participate in the sessions and the work of the General Assembly as observers, and to other regional arrangements and organizations, with a view to promoting the aforementioned studies and encouraging the replies to the United Nations;
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> - to submit as soon as possible and preferably by the end of April 1993 to the Security Council a report concerning the replies from the regional arrangements and organizations."

2. In accordance with the request from the Security Council, the text of the statement was transmitted to the following intergovernmental organizations that have received a standing invitation to participate in the sessions and the work of the General Assembly as observers: African, Caribbean and Pacific Group of

States, African Development Bank, Agency for Cultural and Technical Cooperation, Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, Asian-African Legal Consultative Committee, Caribbean Community, Commonwealth Secretariat, Council of Europe, European Economic Community, International Committee of the Red Cross, International Organization for Migration, Latin American Economic System, League of Arab States, Organization of African Unity, Organization of American States and Organization of the Islamic Conference.

3. The text also transmitted to other regional arrangements and organizations:

(a) Africa: Arab Bank for Economic Development in Africa (BADEA), Arab Maghreb Union (AMU), Central African Customs and Economic Union (UDEAC), Central African States Development Bank (BDEAC), Council of the Entente, Customs Cooperation Council (CCC), East African Development Bank (EADB), Economic Community of Central African States (CEEAC), Economic Community of the Great Lakes Countries (CEPGL), Economic Community of West African States (ECOWAS), Indian Ocean Commission (IOC), Mano River Union, Permanent Inter-State Committee on Drought Control in the Sahel (CILSS), Southern African Development Coordination Conference (SADCC), West African Development Bank (BOAD), West African Economic Community (CEAO);

(b) The Americas: Caribbean Development and Cooperation Committee (CDCC), Organization of Eastern Caribbean States (OECS), Permanent Mechanism for Consultation and Concerted Activities (Rio Group) [Mecanismo Permanente de Consulta y Concertación Política], Central American Integration System [Sistema de la Integración Centroamericana], Zone of Peace and Cooperation in the South Atlantic;

(c) Asia and the Pacific: Association of South-East Asian Nations (ASEAN), Economic Cooperation Organization (ECO), South Asian Association for Regional Cooperation (SAARC), South Pacific Commission (SPC), South Pacific Forum (SPF);

(d) Europe: Black Sea Economic Cooperation (BSEC), Commonwealth of Independent States (CIS), Conference on Security and Cooperation in Europe (CSCE), Nordic Council of Ministers, North Atlantic Treaty Organization (NATO), Western European Union (WEU);

(e) Middle East: Cooperation Council for the Arab States of the Gulf (GCC).

4. As at 15 June 1993, replies have been received from the Asian-African Legal Consultative Committee, the European Community, the League of Arab States, the Organization of American States, the Conference on Security and Cooperation in Europe and the North Atlantic Treaty Organization. The text of the replies are reproduced below.

5. The Economic Cooperation Organization has informed the Secretary-General that the Organization "concerns itself exclusively with promotion of economic, technical and cultural linkages and the coordination of infrastructural plans that would consolidate such ties. While its activities will indirectly promote harmony, peace and stability in the region and could thus be considered as part

of preventive diplomacy, it cannot otherwise contribute directly, within the framework of Chapter VIII of the Charter of the United Nations, to international peace and security."

6. The secretariats of the Caribbean Community and the South Pacific Forum have informed the Secretary-General that substantive replies would be forwarded following consultations currently under way among their members.

7. Replies received subsequently will be published as addenda to the present report.

II. REPLIES RECEIVED FROM INTERGOVERNMENTAL ORGANIZATIONS HAVING RECEIVED A STANDING INVITATION TO PARTICIPATE IN THE SESSIONS AND THE WORK OF THE GENERAL ASSEMBLY AS OBSERVERS

A. Asian-African Legal Consultative Committee

[Original: English]

[14 April 1993]

1. The statement of 31 January 1992, adopted at the conclusion of the first meeting held by the Security Council at the level of heads of State and Government was a historical achievement which marked the beginning of a new era of peace and cooperation among the nations of the world. The trust it reposed in the United Nations and its system augurs well for strengthening the United Nations to face new challenges. The study prepared by the Secretary-General of the United Nations "An Agenda for Peace" is a matching response to fulfil the mandate given to him by the aforesaid meeting of the Security Council.

2. The well-documented and thought-provoking study is a bridge which links the past and future of the United Nations. It addresses crucial issues concerning peace and security in a bold and business-like manner. While identifying the reasons which crippled the United Nations in the past to engage in such activities, it urges the Member Governments to take certain measures and recognize a pivotal role for the United Nations in the future.

3. The premise on which the Secretary-General's study is based is that the Charter of the United Nations is a sound and elastic document which can be stretched safely to carve a role for the United Nations in the emerging situations.

4. The principle of sovereignty of State, which forms the bedrock of the United Nations, is reaffirmed throughout in the recommendations made in the study. In addition, while emphasizing the principle of impartiality, it observes that "the principles of Charter must be applied consistently, not selectively". While advocating enhancing the role of the Security Council, no attempt has been made to undermine the role of the General Assembly.

5. The study, in addition to defining and elaborating the traditional concepts of preventive diplomacy, peacemaking and peace-keeping, integrates another related concept of post-conflict peace-building. In all these operations, it recognizes the potential role and increasing cooperation with regional arrangements and organizations.

6. The encouraging response and the wide welcome the study received during the forty-seventh session of the General Assembly testify to the soundness of its recommendations. The establishment of a Working Group by the General Assembly to consider these recommendations and the initiative of the Security Council to seek information from the regional arrangements and organizations in this regard would ensure wider participation and in-depth consideration of the issues.

7. As for the Asian African Legal Consultative Committee (AALCC), it is an intergovernmental organization comprising 43 member Governments from the Asian and African regions. Since its establishment in 1956, besides providing advisory services on international law matters to its member Governments, it has made a significant contribution to the promotion and development of international law at both the regional and the international levels. It enjoys permanent observer status with the United Nations and works closely with several of its agencies engaged in the field of the codification and development of international law.

8. Unlike some other regional arrangements and organizations, AALCC has not been involved with such activities as preventive diplomacy, peace-keeping, peacemaking and peace-building, it has however taken initiatives to promote a wider role of the International Court of Justice in the context of the peaceful settlement of disputes. In the context of refugee problems, it is engaged in promoting the concept of "safety zones", which might provide a practical solution in certain regions and thus avoid the social tension and the potential cause for conflicts. The establishment of such zones within the territory under conflict would be, to the extent possible, with the consent of the State concerned. The Security Council would have the mandate to establish such zones, whose security would be maintained by a United Nations peace-keeping force or a competent regional organization under the auspices of the United Nations. The involvement of competent United Nations agencies such as the Office of the United Nations High Commissioner for Refugees, the Food and Agriculture Organization, the United Nations Children's Fund, etc., in the maintenance of such safety zones would also be desirable.

9. AALCC will be honoured to be associated with the United Nations in the new programme areas in such fields. It can identify and arrange the services of legal experts from the Asian African regions to undertake fact-finding missions and other functions related to the peaceful settlement of disputes. It can also provide services and expertise in the field of peace-building such as holding of elections, drafting of national legislations and international agreements and assisting in the administration of justice and human rights measures.

10. It may be pertinent to mention here that, at its thirty-second session, held in Kampala (Uganda) from 1 to 6 February 1993, AALCC welcomed the initiative taken by the United Nations Secretary-General. Further, in order to promote in-depth consideration of the recommendations made in the study "An Agenda for Peace", an open-ended Working Group, with a core membership of China, Egypt, Ghana, India, Indonesia, Japan, Nigeria, Qatar, Saudi Arabia, Uganda and the United Republic of Tanzania has been constituted. The Working Group would also assist the AALCC secretariat in the preparation of a study which will be submitted to the United Nations on the occasion of its fiftieth anniversary.

B. European Community*

[Original: English]

[20 April 1993]

1. In the agreed presidential statement of 28 January 1993 concerning "An Agenda for Peace", the Security Council invited, within the framework of Chapter VIII of the Charter of the United Nations, regional arrangements and organizations to study, on a priority basis, the following:

(a) Ways and means to strengthen their functions to maintain international peace and security within their areas of competence, paying due regard to the characteristics of their respective regions, taking into account the matters of which the Security Council has been seized and in accordance with the United Nations Charter, they might consider, in particular, preventive diplomacy including fact-finding, confidence-building, good offices and peace-building and, where appropriate, peace-keeping;

(b) Ways and means to further improve coordination of their efforts with those of the United Nations being aware of the variety of mandate, scope and composition of the regional arrangements and organizations, the Council stresses that the forms of interaction of these arrangements and organizations with the United Nations should be flexible and adequate to each specific situation. These may include, in particular, exchange of information and consultations, with a view to enhancing the United Nations capability including monitoring and early-warning, with the Secretary-General or, where appropriate, his special representative, participating as observers in the sessions and the work of the General Assembly, secondment of officials to the United Nations Secretariat, making timely and specific requests for United Nations involvement and a readiness to provide necessary resources.

2. On behalf of the European Community and its member States, Denmark, in its capacity as president, wishes to make the following contribution.

3. As is evident in many areas of the world where actual or potential conflicts prevail, regional arrangements and organizations can render invaluable assistance to and effectively cooperate with the United Nations in the field of the maintenance of international peace and security, including peaceful settlement of disputes.

4. The European Community and its member States welcome the trend towards greater involvement of relevant regional arrangements and organizations in the maintenance of international peace and security and look forward to its continuation.

5. The European Community and its member States recognize the need to coordinate the efforts of regional arrangements and organizations with those of

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* Text transmitted by the Permanent Mission of Denmark on behalf of the European Community and its member States.

the United Nations. The purpose of such coordination must be to ensure the most effective response to a potential or actual threat to international peace and security. Thus, coordination is not a goal in itself, but only through coordination can the optimum use be made of the respective comparative advantages of the regional arrangements and organizations and of the United Nations, respectively.

6. As pointed out by the Secretary-General in his report "An Agenda for Peace", no two regions or situations are the same. Therefore, a rigid formula for cooperation between the United Nations and regional arrangements and organizations seems to be neither necessary nor desirable. In the opinion of the European Community and its member States an appropriate amount of flexibility is called for to allow for adapting to the particular needs of each specific situation.

7. As examples of such flexible forms of interaction, the European Community and its member States refer to the presidential statement of the Security Council as quoted above, mentioning, inter alia, exchange of information and consultations with the Secretary-General or, where appropriate, his special representative, participating as observers in the sessions and the work of the General Assembly, secondment of officials to the United Nations Secretariat, making timely and specific requests for United Nations involvement, and a readiness to provide necessary resources.

8. The European Community and its member States wish to refer to the following examples of existing cooperation with regard to the maintenance of international peace and security between the United Nations and the European Community and its member States:

(a) From an early stage of the conflict in the territory of the former Yugoslavia, there was close cooperation between the special representative of the Secretary-General and the mediator appointed by the Foreign Ministers of the States members of the European Community. This cooperation has continued at the political level as well as in the field.

Whereas in the United Nations framework a peace-keeping operation (the United Nations Protection Force) was established, the European Community and its member States - following a decision by the Conference on Security and Cooperation in Europe (CSCE) and under a memorandum of understanding with the parties - deployed at an early stage a monitoring mission: the European Community Monitoring Mission (ECMM).

Initially, the mandate of the ECMM was to help to stabilize the agreed cease-fires by monitoring and reporting on their implementation. However, more tasks have afterwards been assumed, including mediation and confidence-building. At present 16 European countries and Canada take part in ECMM, and a total of approximately 350 observers.

At the political level, the European Community and its member States, in cooperation with CSCE, exerted great efforts to restore peace and dialogue through, inter alia, the convening of a conference on Yugoslavia in 1991. The Security Council was kept closely informed on the activities and commended the efforts in various resolutions.

At a later stage, the London Conference on the Former Yugoslavia, co-chaired by the Secretary-General and the President of the European Council, in August 1992 set up the Steering Committee of the International Conference on the Former Yugoslavia in Geneva under the co-chairmanship of the special representative of the Secretary-General and the mediator of the European Community, who to this day relentlessly continue their joint efforts to bring about a peaceful solution to the conflict.

As a further complement to United Nations actions regarding the former Yugoslavia, sanction assistance missions have been deployed at the initiative of CSCE and the Community and its member States in order to assist States in implementing the sanctions imposed by the Security Council;

(b) The Community and its member States not only cooperate with the United Nations in their own region. Another example of cooperation between the United Nations and international organizations is found in South Africa, where observers deployed by the Community and its member States (ECOMSA) work together with the United Nations Observer Mission (UNOMSA) and observers from the Organization of African Unity (OAU) and the Commonwealth. In his latest report to the Security Council on the question of South Africa (S/25004) the Secretary-General observes, inter alia, that the international observers have had a salutary effect on the political situation in general;

(c) An example of cooperation between the United Nations and the Community and its member States which has proven to be of great importance in recent conflicts is the provision of humanitarian assistance. In this connection reference can be made to the statement of 26 February 1993 by the President of the Security Council, on behalf of the Council, in which the Council notes, inter alia, that in some particular circumstances there may be a close relationship between acute needs for humanitarian assistance and threats to international peace and security.

9. Strongly believing that prompt delivery of necessary humanitarian assistance can be extremely effective in defusing tension, the European Community and its member States attach the highest importance to contributing to the relief programmes of, inter alia, the United Nations and take pride in being among the largest donors of humanitarian assistance.

C. League of Arab States

[Original: Arabic]

[5 May 1993]

1. The Secretary-General of the League of Arab States (LAS) presents his compliments to the Secretary-General of the United Nations, and, with reference to his note verbale of 8 March 1993 on the note by the President of the Security Council of 28 January 1993 regarding the item entitled "An Agenda for Peace", has the honour to inform him that the Council of LAS discussed that important topic at its ninety-ninth session on 18 April 1993 and decided to request its member States to inform the General Secretariat of their views in order to adopt a unified Arab position to be communicated to the United Nations at the

appropriate time. It may be noted that the position of LAS will take into consideration the objectives contained in the Security Council note issued on 28 January 1993 as well as the principles to which the Secretary-General referred in his report. That position must also be based on the principles contained in the charter of LAS, which are complementary to those of the United Nations, in particular those which affirm the right of every State to sovereignty and freedom, as well as their right to growth and development and the need to observe United Nations resolutions, as was stressed in the document on cooperation between LAS and the United Nations that was drawn up at the first meeting on cooperation in 1983, held at the level of the Secretaries-General and the heads of specialized agencies of LAS and the United Nations.

2. The General Secretariat of LAS reaffirms its desire to pursue consultations on those important principles in order to strengthen the role of the United Nations on the one hand, and to develop relations between it and the regional organizations on the other hand.

3. The General Secretariat hopes there will be an opportunity to discuss the ideas put forward at the bilateral meetings on cooperation.

4. The General Secretariat also proposes the holding of a meeting between the Secretary-General of the United Nations and all the heads of regional organizations "which [...] participate in the sessions and the work of the General Assembly as observers" with the aim of achieving greater cooperation and integration. The Secretary-General of the United Nations may wish that to be done at the forthcoming session of the General Assembly.

D. Organization of American States

[Original: English and Spanish]

[14 April 1993]

1. Last 8 March I had the opportunity to submit to the Special Committee on the Charter of the United Nations and on the Strengthening of the Organization some initial ideas on the subject of improving cooperation between the world and regional organizations. I stated then that I would transmit a document to give a broader view of the thoughts I had offered on that matter.

2. The considerations that follow are intended as a contribution to the framing of guidelines for broader and deeper collaboration between the United Nations and the Organization of American States (OAS). They are presented in three sections, the first of which defines and characterizes OAS; the second examines possibilities for linkage and interaction between the regional and the world organization; and the third states some conclusions.

I

3. When the United Nations system was established in 1945 the inter-American system already had a long history behind it. It was this experience of regional association that inspired the American States to work for the inclusion in the

Charter of the United Nations of a special chapter - Chapter VIII - recognizing the existence and role of regional agencies.

4. The wisdom of recognizing the validity of regional organizations has been demonstrated by experience since the establishment of the United Nations, when on many occasions action by the world Organization has been hindered by a veto on the Security Council. In OAS, the principle of juridical equality of the States governs the participation of the member States, which act as equal among themselves. On many occasions the Organization has been able to identify and apply solutions to differences that have threatened the peace and security of the hemisphere, and it has been able to promote cooperation.

5. OAS, whose Charter was signed at Bogota in 1948, is the central political organization of the inter-American system, which also includes autonomous specialized organizations and entities that the member States have established to accomplish specific purposes in technical matters of common interest. These agencies and entities round out the institutional framework of inter-American relations. The regional organization coexists with others whose geographical scope is intermediate between nations and the region, and with the world Organization, the United Nations.

6. Several agencies, agreements and groupings have sprung up in Latin America and the Caribbean, some for regional integration and others in the political sphere, which maintain close ties to the inter-American system. Like the regional organization, they were engendered by a concert of the sovereign wills of the States that decided to establish them. The existence of these agencies does not make them competitors with OAS nor weakens its powers or its actions. Their goals are consistent with the principles and purposes set forth in the OAS charter, but their spheres of action and influence are different: they are not - as OAS is - general organizations, and their principal purpose is usually to concert the positions of their member States on specific matters.

7. Thus there are several different levels that meet real needs, within which the States organize themselves for the accomplishment of common purposes. The original primacy of national action has given way in the course of history to the perception of an infinitude of relations of solidarity, difficulties and affinities that find expression in spheres larger than the national: groups of nations associated at an intermediate level, regions grouped in their own organizations, and, finally, the world-wide Organization.

8. Regional organizations are based on the principle of proximity. Affinity, which gives rise to a culture of participation, shared historical experience, closeness and thorough knowledge of the particular circumstances of each region, enable the regional organizations to participate with a better prospect of success in the solution of regional problems.

9. OAS is a general regional organization. Its purposes are to strengthen the peace and security of the hemisphere, to promote and consolidate representative democracy with due respect for the principle of non-intervention and to promote, by cooperative action, the integral development of the member States. All the sovereign States of the Americas are members of the Organization. In turn, member States belong to world-wide general organizations such as the United Nations, and to specialized global organizations.

10. Membership at both levels implies no detriment to either. To the contrary, the contributions that the members of OAS have made to strengthening it also strengthen the world Organization. Witness the contribution of the member States through OAS to the conception, development, adoption and application of principles and rules that are today accepted as shared values of the international community: the principle of non-intervention, mandatory recourse to peaceful procedures for the settlement of disputes, the adoption of arrangements for collective security, and the defence of human rights.

11. Along with ideals and objectives that are shared with the rest of the international community, the States of the region have forged values of their own that are part of the purposes and principles of OAS and have engendered the instruments and mechanisms that characterize it. They arise out of the ties that bind the nations in the hemisphere, their common history, and their long tradition of very close relations which, though occasionally conflictive, are ultimately governed by convergent interests.

12. OAS has been adapting itself to circumstances that have transformed the world and the hemisphere and has taken innovative positions. New principles of international law have been developed, adopted and applied that are not yet universally recognized and which accentuate the organization's distinctive identity, among them particularly the principle of democratic solidarity and support for and the defence of representative democracy as the form of political organization that is an essential condition for the stability, peace and development of the region.

13. Juridical equality of States, a fundamental tenet of the organization, has made it possible for OAS to make its contribution to the world legal system. The participation of all States of the hemisphere to promote their common interests has given the organization the possibility to act flexibly: it uses mechanisms and procedures rooted in agreement among the member States.

14. The States members of OAS have been outstanding participants in the creation and operation of the world organizations, and especially of the United Nations. The Charter of OAS and the other basic OAS documents explicitly link the organization with the relevant organizations in the United Nations system without impairing the framework of its own competence.

15. Thus, the preamble of the OAS Charter reaffirms the principles and purposes of the United Nations, and article 1 defines OAS as a regional agency. Article 2 proclaims the purposes of OAS in order to put into practice the principles on which it is founded and to fulfil its regional obligations under the Charter of the United Nations. Article 136 states that "none of the provisions of this Charter shall be construed as impairing the rights and obligations of the member States under the Charter of the United Nations". The American Treaty on Pacific Settlement (Pact of Bogota) and the Inter-American Treaty of Reciprocal Assistance define the conditions under which the parties to a dispute must resort to the International Court of Justice and a problem of hemispheric security is to be brought before the Security Council of the United Nations, respectively.

16. OAS and the United Nations are responses to different political motivations of their charter States. The world Organization exists above all to avert war,

to monitor and keep international peace. OAS, on the other hand, was established to strengthen hemispheric solidarity. The regional organization embodies principles that are shared by the nations in the region. As it says in the preamble to its Charter, it seeks "the consolidation on this continent, within the framework of democratic institutions, of a system of individual liberty and social justice based on respect for the essential rights of man".

17. The values that prompted the founding and operation of OAS have universal validity and force. Strengthening it as a regional entity makes the world organization stronger. Its sphere of action does not encroach on that of the United Nations. The ties that bind OAS to the United Nations are not based on hierarchical relations between the two organizations.

II

18. The OAS Charter provides for cooperation between the regional and the world organization. Article 53 of the Charter states that one of the principal powers of the General Assembly is "to strengthen and coordinate cooperation with the United Nations and its specialized agencies". Under article 117, one of the functions of the General Secretariat is to "establish relations of cooperation, in accordance with decisions reached by the General Assembly or the Councils, with the specialized organizations (of the inter-American system) as well as other national and international organizations".

19. The legitimacy of OAS and its activities derives from the legal framework enacted in its Charter and in the resolutions and declarations of its General Assembly. Cooperation between OAS and the United Nations must be defined and take place in the setting of that legal framework.

20. Cooperating implies by definition working with others for a common purpose. OAS could not be a mere executor of decisions issuing from the United Nations or any of its organs. Any attempt to establish collaboration on the basis of prescriptions by one organization to the other would vitiate the concept of cooperation.

21. The potential conflict between the desired collaboration and the instruments suggested for establishing it would be even greater if the United Nations ever came to define the fields of action and/or the procedures or instruments of the regional organizations. Such normative definitions would generate greater controversy if it were attempted to apply them to existing organizations with their own structure, legal basis and modes of operation.

22. States are free to establish regional organizations. But they do not have the obligation to establish them and cannot be required to do so. When they form their own organizations they are entitled to determine their areas of competence and their purposes, frame their principles, delimit their spheres of action, and adopt their governing provisions, instruments and operating mechanisms as they see fit. The only limitation on their sovereign decisions in this respect is imposed by the necessity for the regional agencies and their activities to be conformable to the purposes and principles of the Charter of the United Nations. It is the regional organization's member States themselves, acting within the sphere in which they establish it, that can change it by procedures established in advance for such purpose.

23. The best way to update instruments and mechanisms in response to the changing international reality is to modernize their charters by known and accepted procedures. The technique of creative interpretation of provisions is neither effective nor advisable. It seems a risky procedure that could give rise to uncertainty and lead to unwanted situations.

24. Any decision taken to impose on a regional organization the adoption of coercive measures not authorized in its own basic instruments could bring into crisis the operation and the very existence of that organization.

25. Article 1 of the OAS Charter states that the organization has no powers other than those expressly conferred upon it by that Charter. There is no provision in the Charter to authorize the organization to use force in any situation but the exceptional one of external aggression. Apart from that exception, therefore, the use of force has no legitimacy in the legal framework that governs the relations among the American States. OAS has never entered into any agreement, whether or not initiated by another organization, that involves recourse to military procedures.

26. This proscription of the use of force within OAS of American States is not at odds with its purpose of strengthening peace and security in the hemisphere. The peaceful procedures adopted for that purpose are ways that the region has chosen for itself which do not affect the stringent restrictions on the legitimate use of force in the international system. The American States have adopted the strengthening of representative democracy as their system of government and the integral development of peoples as fitting ways to secure peace and consolidate friendly relations among the States in the hemisphere.

27. In permitting the legitimate use of force to maintain peace and international security, the international community has given the United Nations functions and means that are effectively controlled only at that level, and it has also established legitimate defence as the exception to the prohibition of the threat or use of force. It would be perilous to encourage tendencies favourable to the use of force - always an exceptional recourse - on any grounds.

28. The diversity and complexity of the current issues of international relations, the pressure that the United Nations and regional organizations are under from many conflicts and problems, and the contributions made by the regional organizations, within their own spheres of action, to peace and security in the world system, all have to be taken into account. They attest to the advisability of avoiding means of interaction between the United Nations and regional organizations that tend to give the world organization functions of supervision and direction over the regional organizations. Such practices would generate greater demands on the limited resources of the United Nations and weaken the contribution of the regional organizations. The effect would be just the reverse of the purpose of strengthening cooperation between them.

29. Cooperation between OAS and the United Nations cannot be based on principles of hierarchy, for neither is dependent on or subordinate to the other. Nor must it be established on the basis of specialization, as both organizations are general in nature. To the contrary, it must recognize as its

basis the community of purposes and principles between the two and the diversity of their competence.

30. Cooperation implies reciprocity. No unilateral action or initiative can be referred to as cooperation. Collaboration between OAS and the United Nations is a relationship of mutual support and benefit between organizations that operate independently in two different spheres of competence. It is the diversity of their competence that makes that cooperation possible.

31. Collaboration implies agreement on aims pursued and the means for attaining them. Those goals and instruments of cooperation between regional organizations and the United Nations must be identified in conformity with the provisions of their respective charters.

32. The reason for cooperation, within the sphere of competence of each organization, must be that the particular capabilities of each cooperating organization shall complement those of the others and the resulting joint or coordinated action shall bring greater benefits to the member States than could have been obtained from each of the organizations acting alone.

33. For cooperation to be effective, each organization must respect the sphere of action of the others so that none will interfere with the competence of any other. Cooperation must not be sought on a basis of rivalry between institutions but as a stimulus to the pooling of efforts to facilitate the accomplishment of a shared purpose.

34. Respect for the option of the States to decide, in accordance with the applicable rules of international law, where they will bring the matters they would present for consideration by the international organizations is also required. It is the member States themselves, either directly or through provisions they write into the charters and rules of procedure of those organizations, which give legitimacy to collaboration between them.

35. When organizations with their own identities and autonomy have established their will to cooperate, the specific terms for that collaboration must be spelled out in agreements between them to define its purposes, forms and limits. These agreements, entered into in accordance with the applicable provisions of each organization, are efficient, concrete instruments of cooperation.

36. The basic premise for strengthening cooperation between regional organizations and the world organization is clear recognition of the autonomy and particular spheres of competence of the former and of their potential for contributing to accomplishment of the purposes of the latter. The present international system makes no provision for a central direction removed from the circumstances of each region. An effort must be made to channel the creative and innovative capabilities of the international organizations, with full respect for their respective spheres of competence, with a view to cooperation based on complementary contributions from the different organizations that do not conflict with their essential functions.

III. REPLIES RECEIVED FROM OTHER REGIONAL ARRANGEMENTS AND ORGANIZATIONS

A. Conference on Security and Cooperation in Europe

[Original: English]

[11 June 1993]

1. With a view to the new challenges in the Conference on Security and Cooperation in Europe (CSCE) area, CSCE is studying, on a priority basis, ways and means to strengthen its functions to maintain international peace and security within its area of competence.

2. At the Helsinki Summit in July 1992, CSCE declared its understanding that CSCE is a regional arrangement in the sense of Chapter VIII of the Charter of the United Nations. It provides an important link between European and global security.

3. Taking into account the matters of which the Security Council has been seized and in accordance with the Charter of the United Nations, the Stockholm Council meeting of CSCE in December 1992 reviewed experience with the instruments for early warning, conflict prevention and crisis management, in particular in the field of preventive diplomacy (including fact-finding and rapporteur missions) and, where appropriate, peace-keeping. It was noted that, in association with efforts to bring about political solutions, stability can be enhanced by armed contingents for peace-keeping purposes. The deployment and conduct of such operations must be in accordance with the norms of international law and CSCE principles.

4. The Helsinki Summit adopted provisions concerning CSCE peace-keeping. The Stockholm Council meeting concluded that CSCE can play an especially important role in cooperation with mutually reinforcing European and trans-Atlantic organizations by further developing relevant CSCE instruments in the field of preventive diplomacy and peace-keeping. It was further requested, within the framework of CSCE, that seminars be organized to help to share experience and increase knowledge of issues and techniques in the fields of early warning and peace-keeping. Furthermore, it was requested that the issues involved in enhancing the capability of all the CSCE preventive diplomacy and peace-keeping instruments be examined by the Committee of Senior Officials. These provisions should be seen as a most significant development of the tasks and the competences of CSCE in crisis situations within the CSCE area. Various types of CSCE missions have been initiated, at present the number is seven, in the areas of former Yugoslavia and the former Soviet Union, with a view to conflict prevention and conflict resolution. The mandates vary considerably from focusing on early warning to real crisis management. Practical experience from these endeavours has thus been added to the discussion of the CSCE role and capacity in the area of preventive diplomacy and peace-keeping. At present there is also contingency planning going on for a medium-sized monitoring mission and peace-keeping activity relating to the conflict in and around Nagorny Karabakh.

5. Provisions concerning CSCE peace-keeping stipulate that CSCE peace-keeping activities may be undertaken in cases of conflict within or among participating States to help to maintain peace and stability in support of an ongoing effort at a political solution. While cooperation with appropriate European and trans-Atlantic institutions and mechanisms is envisaged, CSCE peace-keeping activities can be undertaken only when certain minimum requirements have been fulfilled, e.g. an effective and durable cease-fire. However, it should be noted, that the CSCE commitments are basically of a political nature and CSCE is not based on a legal document such as the Charter of the United Nations, nor can it, in contrast to the Security Council, issue rulings which are legally binding on the participating States.

6. The human dimension mechanisms of CSCE are being used increasingly as a major foundation for CSCE's efforts at early warning and long-term conflict prevention. Their further elaboration and utilization will strengthen considerably CSCE's ability to pursue the root causes of tensions and to refine its mechanisms for early warning and potentially dangerous situations. Steps have been taken to integrate the human dimension more fully into the political consultations and concerted action of the participating States. Ways of using the 1993 Implementation Meeting on Human Dimension Issues to investigate possible new means of utilizing human rights mechanisms for these purposes and to improve the monitoring of compliance with the CSCE commitments are being considered.

7. The Prague Council meeting in January 1992 decided to initiate more active cooperation between the CSCE and the major European and trans-Atlantic organizations. The aim was to avoid duplication, to make full use of available resources and expertise and to encourage these organizations to reinforce each other. This concept was further developed at the Helsinki Summit. It was decided not only that CSCE and these organizations should keep each other better informed about their respective activities, but also that international organizations with a specialized competence should make their expertise available to CSCE and be invited to meetings and consultations of various kinds within the framework of the CSCE process.

8. At the Stockholm Council meeting it was decided that the relationship between the United Nations and CSCE should be developed further. It was requested, within the framework of CSCE, that the practical implications of the understanding, expressed in the Helsinki Summit Document, that CSCE is a regional arrangement in the sense of Chapter VIII of the Charter of the United Nations should be examined.

9. With a view to the necessity to keep forms of interaction of CSCE with the United Nations flexible and adequate to each specific situation, the Chairman-in-Office of the Committee of Senior Officials was tasked to keep close contacts with the United Nations to promote regular exchange of information, cooperation and coordination, to avoid duplication of efforts. The Chairman-in-Office of the Committee of Senior Officials was also tasked to establish regular contacts with representatives of the United Nations Secretary-General to ensure that the United Nations and CSCE participating States are kept informed of relevant activity, especially in the fields of early warning, conflict prevention, management and resolution of conflicts as well as the promotion of democratic values and human rights.

10. The spirit of these decisions has been reflected in an exchange of letters between the Secretary-General of the United Nations and the Chairman of the CSCE Council in May this year, on an agreement on a framework for cooperation and coordination between the United Nations and CSCE.

11. The proposal by the United Nations Secretary-General to CSCE to seek observer status at the United Nations is also being examined by CSCE. At the Stockholm Council meeting it was also decided that a representative of the United Nations Secretary-General will be invited to the meetings of the Council and of the Committee of Senior Officials of CSCE.

B. North Atlantic Treaty Organization

[Original: English]

[12 May 1933]

1. As a collective defence organization playing a key role in the security of its region, the North Atlantic Treaty Organization (NATO) is pleased to contribute to this debate. The Alliance attaches great importance to cooperation with the United Nations in the fostering of international peace and security. I hope the following will contribute to clarify NATO positions on a range of important issues of common interest and provide a useful follow-up to our very constructive conversation in Brussels last month.

2. The members of the Alliance are committed, under the Washington Treaty, to unite their efforts for collective defence and for the preservation of peace and security. In the new Strategic Concept adopted at the NATO Summit in Rome in November 1991, allied heads of State and Government indicated that, in the new political and strategic environment in Europe, the success of the Alliance's policy of preserving peace and preventing war depends even more than in the past on the effectiveness of preventive diplomacy and successful management of crises affecting the security of its members.

3. In June 1992, the Allies stated their preparedness to support, on a case-by-case basis, peace-keeping activities under the responsibility of the Conference on Security and Cooperation in Europe (CSCE), including by making available resources and expertise. Last December, Allied Ministers stated their readiness to respond positively to initiatives that the United Nations Secretary-General might take to seek Alliance assistance in the implementation of United Nations Security Council resolutions. In this respect, I was asked to maintain the necessary contacts with the Secretary-General of the United Nations regarding the assistance that the Alliance could provide.

4. I outline below the initiatives under consideration, under way, or already undertaken by the Alliance related to preventive diplomacy, peace-keeping and cooperation between the United Nations and NATO.

5. In the area of preventive diplomacy, we have initiated cooperation in verification and implementation of arms control and disarmament measures in Europe, as well as cooperation and political consultation with cooperation partners within the framework of the North Atlantic Cooperation Council (NACC).

Moreover, we actively support CSCE confidence- and security-building measures, including those related to unusual military activities and risk reduction. In this way, the Alliance is able to make a concrete contribution to United Nations and CSCE efforts in the area of preventive diplomacy and conflict prevention.

6. With regard to peace-keeping, NATO is examining the modalities whereby it can support peace-keeping operations and is at the same time developing the training and educational programmes for such activities. In addition, the Alliance has initiated cooperative activities in preparation for peace-keeping within the framework of NACC. We are also examining the possibility of offering to the United Nations the use of NATO communication facilities on a case-by-case basis.

7. With specific reference to former Yugoslavia, the Alliance has supported in a number of ministerial statements United Nations/European Community and CSCE efforts to resolve the conflict in former Yugoslavia. NATO has also taken a number of initiatives in support of the implementation of United Nations Security Council resolutions concerning the conflict in former Yugoslavia, such as the monitoring and enforcement of the maritime embargoes on former Yugoslavia and of the no-fly zone over Bosnia and Herzegovina (United Nations Security Council resolutions 713 (1991), 757 (1992), 781 (1992), 787 (1992), 816 (1993) and 820 (1993). In addition, the Allies have made available to the United Nations the personnel and equipment to establish a command and control element for the United Nations Protection Force (UNPROFOR) headquarters in Bosnia and Herzegovina.

8. Moreover, the Alliance has developed contingency planning for former Yugoslavia concerning: prevention of spillover of the conflict; protection of personnel on the ground; monitoring of heavy weapons; as well as the establishment of secure areas. We are presently undertaking contingency planning for the implementation of the United Nations peace plan, including the proposed establishment, at an appropriate time, of an Ad Hoc Planning Coordination Group, comprised of representatives of force-contributing countries and relevant international organizations.

9. As far as present contacts between the United Nations and the Alliance are concerned, we have held consultations whenever we have been approached by the United Nations. Present contacts comprise visits and missions at different levels as well as communication between the two Secretaries-General. These contacts could, as appropriate, cover different areas of common interest, such as political issues, legal matters and operational issues. Contacts and coordination between Allied and UNPROFOR headquarters and the United Nations Headquarters in New York for ongoing United Nations operations in former Yugoslavia have been established.

10. As possible ways and means to enhance coordination further, we are considering, inter alia, the following measures on contacts and communication: improved contacts, where necessary and appropriate, between myself, my staff and NATO Military Authorities (with the requisite political guidance) with their respective United Nations interlocutors, including exchanges of visits; improved technical means of communication between United Nations and NATO headquarters; and exchanges of relevant information between NATO staffs and the United Nations Secretariat.

Annex

Statement made by the President of the Security Council at its 3166th meeting, on 28 January 1993

The Security Council has continued its examination of the Secretary-General's report entitled "An Agenda for Peace" (S/24111).

The Security Council notes with appreciation the views of the Security Council, as presented in paragraphs 63, 64 and 65 of his report, concerning cooperation with regional arrangements and organizations.

Bearing in mind the relevant provisions of the United Nations Charter, the pertinent activities of the General Assembly and the challenges to international peace and security in the new phase of international relations, the Security Council attaches great importance to the role of regional arrangements and organizations, and recognizes the need to coordinate their efforts with those of the United Nations in the maintenance of international peace and security.

While reaffirming its primary responsibility for the maintenance of international peace and security and being aware of the variety of mandate, scope and composition of regional arrangements and organizations, the Security Council encourages and, where appropriate, supports such regional efforts as undertaken by regional arrangements and organizations within their respective areas of competence in accordance with the purposes and principles of the United Nations Charter.

The Security Council therefore invites, within the framework of Chapter VIII of the United Nations Charter, regional arrangements and organizations to study, on a priority basis, the following:

- ways and means to strengthen their functions to maintain international peace and security within their areas of competence, paying due regard to the characteristics of their respective regions. Taking into account the matters of which the Security Council has been seized and in accordance with the United Nations Charter, they might consider, in particular, preventive diplomacy including fact-finding, confidence-building, good offices and peace-building and, where appropriate, peace-keeping;

- ways and means to further improve coordination of their efforts with those of the United Nations. Being aware of the variety of mandate, scope and composition of the regional arrangements and organizations, the Council stresses that the forms of interaction of these arrangements and organizations with the United Nations should be flexible and adequate to each specific situation. These may include, in particular, exchange of information and consultations, with a view to enhancing the United Nations capability including monitoring and early-warning, with the Secretary-General or, where appropriate, his Special Representative, participating as observers in the sessions and the work of the General Assembly, secondment of officials to the United Nations Secretariat, making timely and specific requests for

United Nations involvement, and a readiness to provide necessary resources.

The Security Council requests the Secretary-General:

- to transmit this statement to those regional arrangements and organizations which have received a standing invitation to participate in the sessions and the work of the General Assembly as observers, and to other regional arrangements and organizations, with a view to promoting the aforementioned studies and encouraging the replies to the United Nations;

- to submit as soon as possible and preferably by the end of April 1993 to the Security Council a report concerning the replies from the regional arrangements and organizations.

The Security Council invites the States which are members of regional arrangements and organizations to play a constructive role in the consideration by their respective arrangements or organizations of ways and means to improve coordination with the United Nations.

In discharging its responsibilities, the Security Council will take into account the said replies as well as the specific nature of the issue and the characteristics of the region concerned. The Council considers it important to establish such forms of cooperation between the United Nations and the regional arrangements and organizations, in the area of maintaining peace and security, that are appropriate to each specific situation.

The Security Council, noting the constructive relationship it has maintained with the Arab League, the EC, the OIC, the OAS and the OAU, supports the intention of the Security Council as described in paragraph 27 of his report to ask regional arrangements and organizations that have not yet sought observer status at the United Nations to do so.

The Security Council notes the importance of the understanding reached at the Conference on Security and Cooperation in Europe to consider the CSCE a regional arrangement in the sense of Chapter VIII of the United Nations Charter and of the further examination within the framework of the CSCE of the practical implications of this understanding. The Council welcomes the role of the CSCE, together with the European Community, in the implementation of action required to carry out the pertinent resolutions of the Council.

The Security Council intends to continue its consideration of the Secretary-General's report, as indicated in the President's statement of 29 October 1992 (S/24728).